

REMARKS

Applicants reply to the Notice of Allowance dated October 7, 2009. Applicants submit minor clerical amendments to the claims with this Amendment, and Applicants therefore respectfully request entry of this Amendment prior to issuance of the application and without withdrawing the application from issue.

Comment on Statement of Reasons for Allowance

Applicants acknowledge the Examiner's statements of reasons for allowance of the above-referenced patent application, and agree that the claimed subject matter is patentably distinct over the references cited. However, Applicants take no position regarding the reasons for allowance presented by the Examiner other than the positions Applicants may have previously taken during prosecution. Therefore, the Examiner's reasons for allowance should not be attributed to Applicants as an indication of the basis for Applicants' belief that the claims are patentably distinct. Furthermore, it is respectfully asserted that there may also be additional reasons for patentability of the claimed subject matter not explicitly stated in this record, and Applicants do not waive their rights to such arguments by not further addressing such reasons herein.


Non-considered Information Disclosure Statement References

Applicants note for the record that the Examiner did not consider some references cited in an Information Disclosure Statement filed October 4, 2004. Applicants contacted the Examiner to request that the Examiner initial these references, but the Examiner determined that he did not need to consider the references (even though the references were appropriately and timely cited in an Information Disclosure Statement).

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-2814**. **This statement does not authorize payment of the issue fee.**

Respectfully submitted,

Dated: 1/6/10



David G. Barker
Reg. No. 58,581

SNELL & WILMER L.L.P.
400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004
Phone: 602-382-6376
Fax: 602-382-6070
Email: dbarker@swlaw.com